



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,780	11/26/2003	Joel G. Hassell	UV-123 Cont.	7224
1473	7590	11/28/2007		
ROPER & GRAY LLP PATENT DOCKETING 39/361 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704			EXAMINER ZHONG, JUN FEI	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,780

Applicant(s)

HASSELL ET AL.

Examiner

Jun Fei Zhong

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 151-214 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 151-214 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/26/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 11/26/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "30, 40, 42, 44, 46, 48, 50, 52, 56" in Fig. 1 have been used to designate different parts in Fig. 7-10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 151-165, 167-181, 183-197, and 199-213 rejected under 35

U.S.C. 102(b) as being anticipated by Knee et al. (Patent # US 5589892).

As to claim 167, Knee discloses user television equipment (e.g., set top converter; Fig. 1) for use in a system that provides interactive television features using an interactive television application at least partially implemented on the user television equipment (see col. 9, lines 50-58; col. 17, lines 34-56), the user television equipment configured to:

receive at least one digital feed that is specific to a particular broadcast provider (e.g., receiving digital broadcasting from a cable company (signal input 11 in Fig. 1)), wherein the at least one digital feed comprises program listings data comprising at least one title of a television program (e.g., program information; Fig. 18) (see col. 9, line 59 through col. 10, line 4; col. 18, lines 24-40; col. 46, lines 40-45; Abstract);

use the interactive television application to display the program listings data on a display (Fig. 6 and 10), wherein at least a majority of the program listings data is associated with the particular broadcast provider (e.g., the interactive menu provides user other types of services besides broadcast TV information, such as stocks; Fig. 17 and 33) (see col. 33, lines 17-32).

As to claims 168 and 170, Knee discloses the user equipment of claim 167 wherein the at least one digital feed further comprises video and audio (see col. 46, lines 40-45).

As to claim 169, Knee discloses the user equipment of claim 167 wherein the at least one digital feed further comprises a graphical image (e.g., bitmaps, graphic symbol, logo) (see col. 11, lines 32-40).

As to claim 171, Knee discloses the user equipment of claim 167 wherein the at least one digital feed further comprises text (e.g., a message; Fig. 28) (see col. 21, line 62 through col. 22, line 15).

As to claim 172, Knee discloses the user equipment of claim 167 wherein the at least one digital feed further comprises interactive content (e.g., home shopping; Fig. 43B-43E) (see col. 36, line 62 through col. 37, line 9).

As to claim 173, Knee discloses the user equipment of claim 167 wherein the at least one digital feed further comprises an enhanced broadcast (e.g., home shopping; Fig. 43B-43E) (see col. 36, line 62 through col. 37, line 9).

As to claim 174, Knee discloses the user equipment of claim 167 wherein the at least one digital feed further comprises data (e.g., a message; Fig. 28) (see col. 21, line 62 through col. 22, line 15).

As to claim 175, Knee discloses the user equipment of claim 167 further configured to receive the at least one digital feed on the same analog carrier as television programming of the particular broadcast provider (e.g., the program information may received in digital form) (see col. 14, lines 3-18; col. 40, line 28-42).

As to claim 176, Knee discloses the user equipment of claim 167 further configured to receive the at least one digital feed on a different analog carrier than television programming of the particular broadcast provider (e.g., one stream may contain exclusively sports information while another only business information) (see col. 46, lines 8-25; Fig. 58).

As to claim 177, Knee discloses the user equipment of claim 167 further configured to:

receive, while television programming of the particular broadcast provider is displayed on the display, a user indication to view the program listings data (e.g., user depress the key on remote control to initiate the Browse Mode) (see col. 15, lines 19-24);

display the program listings data on the display in response to receiving the user indication (see col.15, lines 25-40; Fig. 11 and 12).

As to claim 178, Knee discloses the user equipment of claim 177 further configured to display the program listings data in a partial-screen overlay that partially covers the television programming (e.g., overlay 111; Fig. 11) (see col. 15, lines 25-40).

As to claim 179, Knee discloses the user equipment of claim 177 further configured to display the program listings data simultaneously with the television programming such that the television programming can be viewed unobscured (e.g., the overlay 111 is on the bottom of the screen and the television program is clearly showed; Fig. 11) (see col. 15, lines 25-40).

As to claim 180, Knee discloses the user equipment of claim 167 further configured to receive least one digital feed (e.g., EPG information) that is specific to a second broadcast provider and that comprises content for use by the interactive television application (e.g., EPG information for movie channels; Fig. 26) (see col. 21, lines 20-35; col. 40, lines 28-40).

As to claim 181, Knee discloses the user equipment of claim 167 further configured to use the interactive television application to display program listings data for a plurality of video feeds that are associated with the particular broadcast provider

(e.g., provide user a option to select special channels; Fig. 26) (see col. 21, lines 20-35).

As to claims 151-165, 183-197, and 199-213, they contain the limitations of claims 167-181 and are analyzed as previously discussed with respect to claims 167-181 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 166, 182, 198, and 214 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knee et al. (Patent # US 5589892) in view of Arai et al. (Patent # US 6486920).

As to claim 182, Knee discloses the user equipment of configured to use the interactive television application to display program listings data (e.g., program information; Fig. 18) (see col. 18, lines 24-40).

Knee fails to disclose two video feeds that simultaneously broadcast are associated with the particular broadcast provider.

Arai discloses two video feeds that are simultaneously broadcast and that are associated with the particular broadcast provider (e.g., user may chose analog or digital broadcast for the same program; Fig. 68) (see col. 24, line 61 through col. 25, line 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide different video feeds from the same provider as taught by Arai to the EPG system of Knee in order to provides a broadcast system capable of linking program information between different networks when the same program is broadcasted through digital and analog channels in the simulcast services (see col. 1, lines 62-65).

As to claims 166, 198, and 214, they contain the limitations of claim 182 and are analyzed as previously discussed with respect to claim 182 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schneidewend et al. (Patent # US 6249320) is cited to teach provider and sub-channels information.

Coleman et al. (Patent # US 5844620) is cited to teach interactive television program guide.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jun Fei Zhong whose telephone number is 571-270-1708. The examiner can normally be reached on Mon-Fri, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JFZ
11/25/2007


ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER